

United States District Court
Central District of California

MICHAEL TERPIN,

Plaintiff,

v.

AT&T MOBILITY, LLC, *et al.*,

Defendants.

Case No. 2:18-cv-06975-ODW (KSx)

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
APPLICATION TO SEAL [191] AND
DENYING AS MOOT PLAINTIFF'S
APPLICATION TO SEAL [185]**

The Court has carefully reviewed the documents and portions of documents Plaintiff proposes to file under seal as well as Plaintiff's and Defendant's supporting Declarations. The Court has received no declarations from third parties in support of sealing. The Court **GRANTS IN PART** Plaintiff's Application to File Documents Under Seal, only to the extent expressly granted in the right column of the table attached to this order in Attachment A. The materials and portions of materials listed in the right column of that table may be redacted and filed under seal. The Application is otherwise **DENIED**. (ECF No. 191.) Plaintiff's initially filed application to seal is **DENIED AS MOOT**. (ECF No. 185.)

With respect to the Court's denial of Plaintiff's Application as to Exhibit 41, which Plaintiff designates as confidential, Plaintiff fails to establish that the entire document must be filed under seal and fails to propose redactions for the Court's

1 review. With respect to the Court's denial of Plaintiff's Application as to Exhibit 42,
2 which Defendant designates as confidential, Defendant fails to establish that the entire
3 document must be filed under seal and fails to propose redactions for the Court's
4 review. Because substantial portions of these exhibits are not subject to sealing, and
5 the parties fail to propose appropriate redactions, the request to file Exhibits 41 and 42
6 is denied.

7 Pursuant to Local Rule 79-5.2.2(b)(ii), to the extent the Court herein denies
8 Plaintiff's Application to Seal, Plaintiff "may file the document in the public case (i.e.,
9 unsealed) no earlier than 4 days, and no later than 10 days, after the Application is
10 denied." Pursuant to Local Rule 79-5.2.2(c), to the extent the Court herein grants
11 Plaintiff's Application to Seal, Plaintiff **MUST** now file the approved "document with
12 whatever motion or other document the under-seal filing is intended to support." "The
13 Clerk will not convert the PROPOSED sealed document submitted with the
14 Application into a new filing." *Id.*

15 *See* Attachment A to Order Re Plaintiff's Application.

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17 **IT IS SO ORDERED.**

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19 February 24, 2023

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23 **OTIS D. WRIGHT, II**
24 **UNITED STATES DISTRICT JUDGE**
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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 MICHAEL TERPIN,
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15 Plaintiff,
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17 v.
18 AT&T MOBILITY, LLC; and
19 DOES 1-25,
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21 Defendants.
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Case No. 2:18-cv-06975-ODW-KS

[Assigned to The Hon. Otis D. Wright II]

**ATTACHMENT A TO
ORDER RE PLAINTIFF'S
APPLICATION TO FILE
DOCUMENTS *UNDER SEAL* [191]
[Local Rule 79-5.2.2(b)]**

[PROPOSED] ORDER GRANTING
PLAINTIFF'S APPLICATION TO FILE
UNDER SEAL [L.R. 79-5.2.2(B)]

Pursuant to Rule 79-5 of the Local Rules of this Court, and after considering the Application to File Documents Under Seal of Plaintiff Michael Terpin and other submissions by the parties, and for good cause shown, IT IS HEREBY ORDERED THAT the following documents shall be filed under seal as follows:

<u>Document</u>	<u>Sealed Portion¹</u>	<u>Order</u>
Plaintiff Michael Terpin's Opposition to the Motion for Summary Judgment and Memorandum of Points and Authorities in Support Thereof.	Page 1, line 8; page 2, lines 1-2; page 3, line 19-20, 28; page 4, lines 1-14; 25-28; page 5, lines 1-16, n. 2; page 6, lines 7-9, 20-21, 26-28; page 7, line 1-20; page 8 lines 1-4, 5-9, 11-21; page 9 lines 1-20; page 13, lines 11-12; page 15, lines 26-27; page 16, lines 16-19, 20-21, 22-24; page 16 lines 16-19, 20-21, 22-24; page 19, lines 1-3; page 20, lines 7-8; page 21, lines 18-23; page 22, lines 6-7, 10-14, and n. 5 lines 22-24.	GRANTED IN PART, only to the extent the Memorandum references those portions of the below listed exhibits the Court herein approves for filing under seal.
Plaintiff Michael Terpin's Statement of Genuine Disputes of Disputes of Material Facts (and	Part I: Plaintiff's Supporting Evidence disputing Defendant's	GRANTED IN PART, only to the extent the Memorandum

¹ Portions of lines to be redacted are marked in the proposed redacted documents filed with the Declaration in support of the under seal filing.

1 2 3 4 5 6 7 8 9 10	Conclusions of Law) in Opposition to AT&T's Motion for Summary Judgment.	facts: UF 22, lines 3-8; UF 25; UF 26 lines 13- 21; UF 28; UF 34. Part II: Additional Plaintiff's Facts ("PF"): PF 27-41; PF 46-49; PF 61-72; PF 78-79; PF 82- 120; PF 125-126; PF 129- 141; PF 144-145; PF 148- 172.	references those portions of the below listed exhibits the Court herein approves for filing under seal.
11 12 13 14	Exhibit 1 to Declaration of Timothy J. Toohey ("Toohey Decl." [Deposition Transcript of Peter Coulter]	19:21-20: 25; 50:11-25; 132:22-133:16	DENIED
15 16 17 18 19	Exhibit 2 to Toohey Decl. [Deposition Transcript of Ray Hill]	11:23-12:2; 43:25-44:8; 135:5-15; 166:4-15; 167:19-21; 169:23- 170:21; 187:1-13; 211: 23-213:11; 214:8-24	GRANTED IN PART , as to Pages 0022-23, 0025-27, and 0031
20 21 22 23	Exhibit 4 to Toohey Decl. [Deposition Transcript of Prime Communications, LP (Amy Milberger)]	19:17-22; 22:12-19; 140:18-141:23; 143:2-5; 147:3-9; 161:19-162:3; 177:2-17	DENIED
24 25 26 27 28	Exhibit 5 to Toohey Decl. [Deposition Transcript of Joseph Morella]	16:7-16; 29:25-30:7; 47:12-15; 49:4-13; 57:18- 58:9; 82:12-16; 94:12-25; 95:16-20; 98:16-99:2;	GRANTED IN PART , as to Pages 0068-81, 0084-92

	100:16-101:1; 102:12-103:4; 108:8-110:13; 127:19-25; 176:17-177:8; 179:16-25; 270:21-24; 271:16-23	
Exhibit 6 to Toohey Decl. [Deposition Transcript of Ellis Pinsky]	18:8-15; 18:24-19:14; 20:1-7; 20:10-15; 21:6-18; 21:21; 22:25-24:15; 24:25-25:10; 25:20-26:3; 26:13-25; 27:13-22; 29:5-30:1; 63:12-24; 66:23-67:3; 75:12-24; 78:16-22; 80:16-23; 120:1-121:10; 122:2-8; 122:21-123:1; 131:10-14; 132:13-17; 133:5-13; 138:9-17; 139:1-6; 147:1-9	DENIED
Exhibit 9 to Toohey Decl.	All	Granted
Exhibit 13 to Toohey Decl.	All	Granted
Exhibit 15 to Toohey Decl.	All	Granted
Exhibit 16 to Toohey Decl.	All	Granted
Exhibit 17 to Toohey Decl.	All	Granted

1	Exhibit 19 to Toohey Decl.	All	Granted
2			
3	Exhibit 20 to Toohey Decl.	All	Granted
4			
5	Exhibit 21 to Toohey Decl.	All	Granted
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7	Exhibit 22 to Toohey Decl.	All	Granted
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9	Exhibit 23 to Toohey Decl.	All	DENIED
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11	Exhibit 24 to Toohey Decl.	All	DENIED - email and phone number may be redacted
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13	Exhibit 25 to Toohey Decl.	All	DENIED - email and phone number may be redacted
14			
15	Exhibit 26 to Toohey Decl.	All	Granted
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17	Exhibit 27 to Toohey Decl.	All	DENIED
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19	Exhibit 28 to Toohey Decl.	All	Granted
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21	Exhibit 29 to Toohey Decl.	All	Granted
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23	Exhibit 30 to Toohey Decl.	All	Granted
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25	Exhibit 31 to Toohey Decl.	All	Granted
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27	Exhibit 32 to Toohey Decl.	All	Granted
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Exhibit 33 to Toohey Decl.	All	Granted
Exhibit 34 to Toohey Decl.	All	Granted
Exhibit 35 to Toohey Decl.	All	Granted
Exhibit 37 to Toohey Decl.	All	DENIED
Exhibit 38 to Toohey Decl.	All	DENIED
Exhibit 40 to Toohey Decl.	All	DENIED
Exhibit 41 to Toohey Decl.	All	DENIED
Exhibit 42 to Toohey Decl.	All	DENIED